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5 UNITED STATES DISTRICT COURT  
6 DISTRICT OF NEVADA

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9 JODY A. FURNARE,

10 Plaintiff,

3:18-cv-00014-RCJ-WGC

11 v.

**ORDER**

12 JAMES DZURENDA et al.,

13 Defendants.

14 Plaintiff Jody Furnare, a prisoner in the custody of the Nevada Department of  
15 Corrections, submitted a civil rights Complaint under 42 U.S.C. § 1983, attached to an  
16 application to proceed *in forma pauperis*. Upon screening under 28 U.S.C. § 1915A, the Court  
17 permitted some claims to proceed and dismissed others, with leave to amend. Plaintiff has filed  
18 a motion to reconsider, asking the Court to screen a claim under § 1985(3) that it overlooked.  
19 The Court grants the motion to screen the claim and dismisses it, with leave to amend.

20 A § 1985 claim only lies for a conspiracy to violate equal protection rights based on race  
21 or other protected class, *Bray v. Alexandria Women's Health Clinic*, 506 U.S. 263, 267–68  
22 (1993) (quoting *Griffin v. Breckenridge*, 403 U.S. 88, 102 (1971)), and Plaintiff does not allege  
23 any such discrimination. Plaintiff previously alleged religion-based discrimination as to certain  
24 Defendants' decision to deny him his religious property, and the Court permitted that claim to  
25 proceed, but he bases his civil rights conspiracy claim on alleged retaliation against him for his  
26 protected speech, not on any class-based animus.

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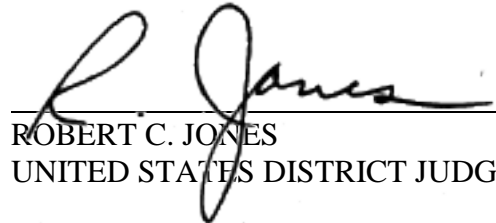
1 **CONCLUSION**

2 IT IS HEREBY ORDERED that the Motion to Reconsider (ECF No. 5) is GRANTED,  
3 and the Court hereby screens the claim under 28 U.S.C. § 1915A.

4 IT IS FURTHER ORDERED that the portion of Count II alleging a civil rights  
5 conspiracy under 42 U.S.C. § 1985 is DISMISSED, with leave to amend within twenty-eight  
6 (28) days of this Order. If Plaintiff does not timely amend the claim, the Court may dismiss it  
7 with prejudice without further notice.

8 IT IS SO ORDERED.

9 Dated this 14<sup>th</sup> day of January, 2019.

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12 ROBERT C. JONES  
13 UNITED STATES DISTRICT JUDGE  
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